

ENTERED

June 01, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

| | | |
|------------------------------------|---|------------------------------|
| IN RE: | § | |
| | § | CASE NO: 20-34562 |
| HEATHER CHRISTINE SMART, | § | |
| | § | CHAPTER 7 |
| Debtor. | § | |
| | § | |
| HEATHER CHRISTINE SMART, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| VS. | § | ADVERSARY NO. 20-3500 |
| | § | |
| UNITED STATES DEPARTMENT OF | § | |
| EDUCATION, | § | |
| | § | |
| Defendant. | § | |

ORDER DENYING AGREED MOTION TO STAY

Before the Court is the Agreed Motion to Stay which the Court denies for the following reasons.

The Court is opposed to an indefinite and ongoing stay of these proceedings. This adversary is 18 months old and should go to trial. Trial in this case has been set and then reset on numerous occasions.¹ This matter must be concluded. An indefinite suspension does not do justice.

The Court is opposed to a suspension of deadlines in this case, when all the deadlines set by this Court have long since passed.²

The Court, however, is not opposed to and will continue to extend the trial date but only if the plaintiff is medically unable to participate virtually.³ However, at this juncture given the numerous previous continuances based on her medical condition, the plaintiff must now show she is medically unable to participate by reliable evidence and give an estimate of when she will be able

¹ Trial was set on 8/17/2021, reset to 12/2/2021, reset to 12/13/2021, reset to 3/8/2022, reset to 6/6/2022.

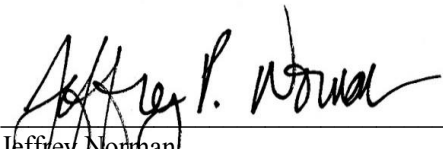
² The discovery cutoff was June 8, 2021. The dispositive motion cutoff was June 23, 2021.

³ The debtor does not need to personally appear for trial and may easily appear remotely by use of a cell phone, computer or internet connected device.

to appear for trial.

SO ORDERED.

SIGNED 06/01/2022



Jeffrey Norman
United States Bankruptcy Judge

United States Bankruptcy Court
Southern District of Texas

Smart,
Plaintiff
United States Department of Education,
Defendant

Adv. Proc. No. 20-03500-jpn

CERTIFICATE OF NOTICE

District/off: 0541-4

User: ADIuser

Page 1 of 2

Date Rcvd: Jun 01, 2022

Form ID: pdf111

Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 03, 2022:

| Recip ID | Recipient Name and Address |
|----------|---|
| pla | + Heather Christine Smart, 2043 Oak Shores Drive, Kingwood, TX 77339-1723 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address |
|----------|---------------|---------------------------------------|
| dft | | United States Department of Education |

TOTAL: 1 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 03, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 1, 2022 at the address(es) listed below:

| Name | Email Address |
|-------------------|---|
| Chad Wesley Cowan | on behalf of Defendant United States Department of Education chad.cowan@usdoj.gov Nicole.Robbins@usdoj.gov;Sydney.Kempen@usdoj.gov;USATXS.Bankruptcy-ECF@usdoj.gov |
| Daniel J Ciment | on behalf of Defendant United States Department of Education Daniel@CimentLawFirm.com CaseStatus@cimentlawfirm.com;CimentBKECF@gmail.com |
| Daniel J Ciment | on behalf of Plaintiff Heather Christine Smart Daniel@CimentLawFirm.com CaseStatus@cimentlawfirm.com;CimentBKECF@gmail.com |

District/off: 0541-4

User: ADIuser

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Total Noticed: 1

TOTAL: 3